

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED
05 APR 19 PM 3:41

ROBERT R. DILLON
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

YOUNG'S TRADING COMPANY,)
a Tennessee Corporation,)
Plaintiff/Counter-Defendant,)
-against-)
FANCY IMPORT, INC., YEONG H. YUN,)
CHUN H. YI, and HOON G. JEONG,)
Defendants/Counter-Plaintiffs.)

Case No. 03-CV-2637
(JURY TRIAL DEMANDED)

ORDER GRANTING PLAINTIFF'S MOTION TO ADD ADDITIONAL PLAINTIFF

Before the Court is Plaintiff's Motion to add an additional party Plaintiff, Young's Trading.Com, Inc., and for the reasons set forth below the Motion is granted:

BACKGROUND

This matter was originally filed by the Plaintiff on July 24, 2003. Under the theories advanced by the Plaintiff, Young's Trading Company, a Tennessee corporation, asserts that it as incurred loss injury, and damages before the period of July 24, 2003, do to the actions of the Defendants. It is developed through discovery that On January 28, 2003, Young's Trading Company transferred certain limited assets into Young's Trading.Com, Inc., a Tennessee for profit corporation, which basically encompassed the Internet business of Young's Trading. Therefore after January 28, 2003, Young's Trading.Com, Inc., would also have sustained damages under the theories advanced by the Plaintiff's complaint. As it appears to the Court the Defendants will suffer no prejudice by the addition of an additional party Plaintiff since the theories of loss injuries, and damages and the amounts of injuries and damages will remain

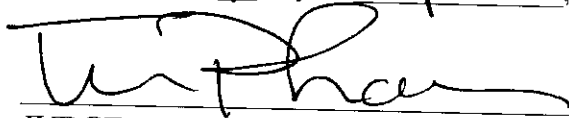
unchanged, but incurred and sustain by two (2) separate legal entities both owned and operated by the same individuals.

Rule 20 of the Federal Rules of Civil Procedure expressly allowed the permissive jointure of all parties in one action as Plaintiff if they assert any right or claim jointly or severally arising out of the same transaction, occurrence, or series of transactions or occurrences. Additionally, Federal Rule of Civil Procedure Rule 19 provides for the joinder of all persons needed for the joint adjudication of a claim and partial or hollow judgments rather than complete relief to the parties before the Court is not favored. As the Defendants will suffer no harm or prejudice by the addition of a second party Plaintiff as the theories of liability injury and loss remain the same and the amount, theories, and calculations of damages remain the same yet incurred by separate legal entities with Young's Trading.Com, Inc., simply being a successor to the original party Plaintiff's Internet business.

WHEREFORE the Court being fully advised and in the interest of complete justice to all parties finds that Young's Trading Company Motion to amend to add as an additional Plaintiff, Young's Trading.Com, Inc., is well taken and should be granted.

It is therefore ORDERED, ADJUDGED, AND DECREED, that Young's Trading.Com, Inc, is added as an additional party Plaintiff in this proceeding.

All of which is ordered, adjudged, and decreed this 19 day of April, 2005.


JUDGE

4/19/05
DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 77 in case 2:03-CV-02637 was distributed by fax, mail, or direct printing on April 20, 2005 to the parties listed.

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Honorable Tu Pham
US DISTRICT COURT